

of national security, both to shape our response to the new dangers of international terrorism and to define a new vision of leadership for the United States in world affairs.

According to this new national security concept, the United States should be prepared to act decisively and unilaterally to eliminate potential terrorist threats. Because suicidal terrorists use anarchist techniques rather than rely on traditional armies, the case for America to reserve the right to take preemptive, anticipatory military action in the name of self-defense must be considered. In practical terms, since terrorist groups may either be assisted by foreign powers, or seek sanctuary in weak countries with limited control of their own borders, the option to intervene in another nation-state to constrain rogue behavior cannot be ruled out. Likewise, the doctrine contemplates the need to counter the threat that certain despotic regimes—like those the President labeled as evil: Iran, Iraq and North Korea—may develop or actually possess weapons of mass destruction and threaten to use them or put them in the hands of terrorists. In addition, because our own power is so disproportionate, and because the threat from international terrorists so grave, the strategy suggests that America need no longer be constrained in its actions by international rules, treaties, and even traditional security partnerships.

While elements of the new doctrine are not new, the public articulation of a doctrine of preemption is in fact a novel departure. In terms of precedents, the Congressional Research Service reports that the U.S. “has never, to date, engaged in a ‘preemptive’ military attack against another nation. Nor has the U.S. ever attacked another nation militarily prior to its having first been attacked or prior to U.S. citizens or interests having first been attacked, with the singular exception of the Spanish-American War.” The latter being unique, in that the principal stated goal of U.S. military action was to compel Spain to grant Cuba its political independence.

There is of course ample precedent for the United States using its military to intervene in other nations to support our national security interests. Citing the Monroe Doctrine, which outlined American objection to European colonialism in this hemisphere, the United States intervened repeatedly in the Caribbean and Central America in the 19th and 20th centuries. In addition, the U.S. employed overt military force to seek regime change in Mexico in 1914 and Panama in 1989, as well as covert action in Iran and Central America in the 1950s.

Of greater historical relevance, the most significant instance in which the U.S. seriously contemplated preemptive military action was during the Cuban missile crisis of October 1962. Despite the introduction by the Soviet Union of nuclear-capable ballistic missiles into Cuba that could threaten most of the eastern United States, President Kennedy considered and rejected preemptive options, imposed a U.S. military “quarantine” around Cuba, and ultimately reached a peaceful diplomatic solution.

Hence it is imperative that Congress and the American people debate the long-term foreign policy consequences of a potential, largely unilateral, strike against Iraq that may well not be supported by many of our historic allies. It is also crucial that Congress review the logic and implications of a new global strategy

apparently premised on go-it-alone interventionist themes which, if taken to extreme, could erode the foundation of the rule-based, post-World War II international system the United States largely helped to create.

While the threat of transnational terrorism self-evidently requires a robust response, the implication of the United States using its extraordinary power and authority at this critical juncture in world history to enshrine and legitimize the principle of preemption as a basis for conduct in international relations is profound. One need only to contemplate the application of this principle by others elsewhere, such as South Asia, the Taiwan Strait, or the Middle East, to grasp its potential reach.

It is suggested to many around the world that the United States may be disproportionately relying on military power rather than the strength of law and persuasion to attempt to “lock in” a favorable order that commands the allegiance of others. In the language of political scientists, our new approach could suggest a strategy less of transformation than dictation.

The question is not simply whether the new doctrine of preemption has a modicum of legitimacy—the events of 9/11 suggest it does—but whether it is applied with proper judgment and appropriate restraint. The greater the power, the more important it is used with care. Otherwise, the danger is the use of force will be viewed as hubristic with its application likely to be counterproductive. Iraq is a case in point. The goal of regime change must involve an approach that enhances rather than retards international support for core American values like democracy and respect for individual rights. Engaging in war the wrong way can jeopardize the outcome not only of the underlying conflict against terrorism but American leadership on a host of international issues from arms control to commerce to the environment.

Unilateralist approaches sow unease and distrust of American power and American motives from Brussels to Johannesburg, from Sao Paulo and to Seoul. They dissipate reservoirs of good will for the United States and reduce, rather than expand, the pool of cooperation that we can draw on in the future.

The nature of the foreign policy challenges we face—curbing the proliferation of weapons of mass destruction, eliminating terrorism, combating the spread of diseases like HIV/AIDS, promoting free trade and market economics, advancing respect for human rights and the rule of law—cannot be met by one country, no matter how powerful, acting alone.

Three years ago in one of the most irrational acts of the Senate in the 20th century a comprehensive test ban (CTB) was turned down. Upon taking office, the Bush Administration concurred in this judgment, and then in a little noticed decision rejected a protocol that had been long in negotiation to the Biological and Toxin Weapons Convention (BWC) which would have added new verification provisions to that treaty. Ironically, if a CTB had been ratified, there would be more worldwide support for U.S. efforts to deter small states from obtaining nuclear arms and if the BWC protocol had been adopted the case for inspectors entering Iraq would be iron clad.

Count me among those who believe Saddam Hussein must be removed from office and his weapons of mass destruction destroyed, but also as one who is concerned

with the unilateral veer in American foreign policy. We cannot lead the world unless we pay attention and, to the maximum degree appropriate, give respect to the judgments and opinions of others.

Policeman for the world is a lonely beat. It makes us a target. More, not less, vulnerable.

Leadership requires resolve; it also demands restraint, and an understanding that there are both prudential and real limits to America's unparalleled power. Likewise leadership requires magnanimity, an understanding of what causes people to rebel, and an uplifting, inclusive vision of a world order which realistically deals with the causes of conflict.

At issue with the Iraqi crisis is less an outcome where individual nation-states may be winners or losers, but one in which the international system has an enormous stake. From challenge springs opportunity. Hopefully, once the storm clouds have passed, the international community will be able to conclude that the United Nations has functioned as its founders intended. But if this conflict is not resolved in a way that upholds the authority and the credibility of the United Nations, our current international structure will be seriously degraded and grievously jeopardized.

In this regard, as the prospect for conflict increases, the danger of unintended martyrdom also rises. The United States must be careful to ensure that its policies do not turn a tin-horn Hitler into an Islamic Allende.

Hence I would urge the Administration to make it clear to Saddam that in the event he continues to defy the will of the United Nations he will inevitably find himself in the docket before Nuremberg-like proceedings—either the newly established International Criminal Court or perhaps an ad hoc tribunal—for egregious violations of internationally recognized human rights and arms control conventions.

Potentates, whether petty or mighty, who through violation of international law attempt to take the world hostage must be held accountable.

Likewise, the U.S. and UN should make clear that if any individual in Iraq participates in usage or unleashing of a weapon of mass destruction, they also will be held accountable as war criminals.

Tragically, the United States has not been able to become a party to the new ICC, which will be the first permanent international court with jurisdiction to prosecute the most heinous individual violators of human rights—genocide, war crimes, and crimes against humanity.

By background, the United Nations, many human rights organizations, and many U.S. allies have expressed support for the new court. The Administration, however, has renounced any U.S. obligations under the treaty.

Although the U.S. has valid concerns about the ICC—chiefly that the ICC might become politicized and capriciously assert jurisdiction over U.S. soldiers or high officials charged with “war crimes”—our belligerent opposition to the Court also carries obvious downside risks to American leadership.

America's well-deserved reputation as a champion for human rights and extension of the rule of law has been called in question. Our efforts to play hardball in the UN Security Council by threatening to withhold support for UN peacekeeping missions unless the U.S. is granted immunity from the ICC alienated friends and allies abroad. The withholding of